

JAN 09 2007

PATENT

App. Ser. No.: 10/038,008
Atty. Dkt. No. ROC920010193US2
PS Ref. No.: IBMK10194

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Bauman et al.

Serial No.: 10/038,008

Confirmation No.: 6602

Filed: January 4, 2002

For: METHOD FOR DETERMINING
ON DEMAND RIGHT SIZE
BUFFERING WITHIN A
SOCKET SERVER
IMPLEMENTATION§
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Group Art Unit: 2143

Examiner: Joseph E. Avellino

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office to fax number 571-273-8300 to the attention of Examiner Joseph E. Avellino, or electronically transmitted via EFS-Web, on the date shown below:

January 9, 2007
Date

Jon K. Stewart

PETITION FOR ONE-MONTH EXTENSION OF TIME

Applicant respectfully petitions the Commissioner under 37 CFR 1.136(a) to grant a one-month extension of time to and including January 10, 2007, in which to file the Notice of Appeal, in response to the Advisory Action dated December 15, 2006.

This form is filed in duplicate. The Commissioner is authorized to charge the fee of \$120.00 and any additional fees which may be required for this submission to Deposit Account No. 09-0465 / ROC920010193US2.

Applicants note that the Examiner inadvertently checked Box 1A in the Advisory Action dated December 15, 2006, setting the time for reply as 3 months from the mailing date of the Final Rejection. The Final Rejection was mailed on August 9, 2006. Thus, the actual two-month date was October 9, 2006; however, this fell on Columbus Day.

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Applicants' effective two-month date, therefore, was October 10, 2006. As Applicants response was timely-filed by the effective two-month date of October 10, 2006, Applicants believe that only a one-month extension is required to make this Notice of Appeal timely to the Office and that the Examiner should have checked Box 1B in the Advisory Action.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

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